UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,467	05/08/2001	Caleb Fung	P-24, 554-A USA	3604

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EXAMINER
NGUYEN, LE V

ART UNIT	PAPER NUMBER
2174	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)	
Office Action Summary	09/851,467	FUNG ET AL.	
	Examiner	Art Unit	
	Le Nguyen	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 August 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Drawings

1.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5)

because they do not include the following reference character(s) mentioned in

the description: 203(b-h) of page 12, line 24 through page 13, line 6. Corrected

drawing sheets are required in reply to the Office action to avoid abandonment of

the application. Any amended replacement drawing sheet should include all of

the figures appearing on the immediate prior version of the sheet, even if only

one figure is being amended. The replacement sheet(s) should be labeled

"Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to

obstruct any portion of the drawing figures. If the changes are not accepted by

the examiner, the applicant will be notified and informed of any required

corrective action in the next Office action. The objection to the drawings will not

be held in abeyance.

Specification

2.   The specification is objected to because they do not include the following

reference character(s) depicted in the drawings:

        a) fig. 2: 101-11;

        b) fig. 3: 202(b-h);

        c) fig. 5: 1-25;

        d) fig. 7: 601-605 and 202d; and

e) fig. 9: 202(b-h).

Claim Objections

3.   Claim 13 is objected to because of the following informalities:

there are two instances of claim 13. The examiner will renumber the second

claim 13 as claim 14. Claims 14-37 will be renumbered 15-38. Subsequent office

actions will refer to newly numbered claims 15-38. Appropriate correction is

required.

4.   Claims 3-7, 9-16, 18, 19, 23-27, 29-35 and 37-38 are objected as being

indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

Claims 3 and 23 recite the limitation "said plurality of segments" in lines

22-23 of pages 21 and 25.

Claims 4, 11, 24 and 31 recite the limitation "said segments" in line 2 of

pages 22 and 26, line 11 of page 23 and line 14 of page 27.

Claims 13 and 32 recite the limitation "said other segments" in line 20 of

page 23 and line 22 of page 27.

Claims 13, 16, 33 and 35 recite the limitation "said associated panels" in

lines 3 and 6 of pages 24 and lines 3 and 7-8 of page 28.

There are insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6.   Claims 1, 3, 5, 6, 9, 20, 21, 23, 25, 26 and 29 are rejected under 35

U.S.C. 102(b) as being anticipated by Buxton et al. ("Buxton").

As per claim 1, Buxton teaches a graphical user interface tool for use in

connection with a computer program which can simultaneously display multiple

files on a computer display device, each file appearing in a different area on the

display device (figs. 1 and 6; col. 8, lines 16-51; col. 14, lines 29-44; *an overlay*

palette tool used in connection with multiple files), the tool comprising means for

allowing a user to invoke the tool in association with a selected one of the

multiple files using a computer interface device (figs. 1 and 6; col. 8, lines 16-51;

col. 14, lines 29-44; *invoking the tool in association with a selected one of the*

multiple files via positioning the overlay so that the tool is over the file), means for

causing a graphic representation of the tool to appear on the display device

responsive to being invoked by the user, the graphic representation comprising a

plurality of portions, each corresponding to an operation that can be performed in

connection with the selected file (fig. 6; col. 14, lines 29-44; *the overlay*

comprises a plurality of portions such as Delete, Move and Copy operations that

can be performed in connection with the selected file), means for allowing the user to select one of the plurality of operations using a user interface device and means for causing the operation to be performed on the selected file (fig. 6; col. 14, lines 29-44; *selecting "Delete" causes a delete operation to be performed on the selected file)*.

As per claim 3, Buxton teaches a graphical user interface tool for use in connection with a computer program which can simultaneously display multiple files on a computer display device, each file appearing in a different area on the display device (figs. 1 and 6; col. 8, lines 16-51; col. 14, lines 29-44; *an overlay palette tool used in connection with multiple files)*, wherein the graphical representation comprises an icon comprising a plurality of segments (fig. 1).

As per claim 5, Buxton teaches a graphical user interface tool for use in connection with a computer program which can simultaneously display multiple files on a computer display device, each file appearing in a different area on the display device (figs. 1 and 6; col. 8, lines 16-51; col. 14, lines 29-44; *an overlay palette tool used in connection with multiple files)*, comprising means for causing said graphical representation to appear in the panel associated with the selected file (fig. 6; col. 14, lines 29-44).

As per claim 6, Buxton teaches a graphical user interface tool for use in connection with a computer program which can simultaneously display multiple files on a computer display device, each file appearing in a different area on the display device (figs. 1 and 6; col. 8, lines 16-51; col. 14, lines 29-44; *an overlay palette tool used in connection with multiple files)*, with a means for allowing a

user to invoke the tool in association with the selected file associates said tool with said file displayed in the panel within which a cursor was positioned when said tool was invoked (fig. 6; col. 14, lines 29-44).

As per claim 9, Buxton teaches a graphical user interface tool for use in connection with a computer program which can simultaneously display multiple files on a computer display device, each file appearing in a different area on the display device (figs. 1 and 6; col. 8, lines 16-51; col. 14, lines 29-44; *an overlay palette tool used in connection with multiple files*), wherein means for allowing the user to select one of the operations is responsive to the user positioning the cursor in a position indicative a particular segment of the icon to tentatively select the operation corresponding to the segment and performing a subsequent act to select the operation corresponding to the segment (col. 3, line 21 through col. 4, line 16; col. 14, lines 29-44).

As per claim 20, Buxton teaches a graphical user interface tool for use in connection with a computer program which can simultaneously display multiple files on a computer display device, each file appearing in a different area on the display device (fig. 5B; *multiple files displayed in various areas as overlapping windows*), wherein the multiple files are simultaneously active (fig. 1, *element 23*; col. 7, line 54; col. col. 8, lines 52-58; col. 25, lines 1-27).

Claim 21 is similar in scope to claim 1 and therefore rejected under similar rationale.

Claim 23 is similar in scope to claim 3 and therefore rejected under similar rationale.

Claim 25 is similar in scope to claim 5 and therefore rejected under similar

rationale.

Claim 26 is similar in scope to claim 6 and therefore rejected under similar

rationale.

Claim 29 is similar in scope to claim 9 and therefore rejected under similar

rationale.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

8.   Claims 2, 4, 14, 18, 19, 22, 24, 33, 37 and 38 are rejected under 35

U.S.C. 103(a) as being unpatentable over Buxton in view of Blades.

As per claim 2, although Buxton teaches a graphical user interface tool for

use in connection with a computer program which can simultaneously display

multiple files on a computer display device, each file appearing in a different area

on the display device (fig. 5B; *multiple files displayed in various areas as*

overlapping windows), Buxton does not explicitly disclose the operations differ

depending on the selected file. Blades teaches a graphical user interface tool for

use in connection with a computer program which can simultaneously display

multiple files on a computer display device, each file appearing in a different area

on the display device comprising a graphic representation of the tool wherein the

graphic representation comprises a plurality of portions, each corresponding to

an operation that differ depending on the selected file (figs. 10(A-B); col. 14, lines

14-21). Therefore, it would have been obvious to an artisan at the time of the

invention to include Blades' teaching of the plurality of operations changing

depending on the selected file to Buxton's teaching of the plurality of operations

being performed in connection with the selected file so that users may efficiently

manage a plurality of displayable objects with a minimum amount of required

user input to manipulate displayed collections of objects.

As per claim 4, although Buxton teaches a graphical user interface tool for

use in connection with a computer program which can simultaneously display

multiple files on a computer display device, each file appearing in a different area

on the display device (figs. 1 and 6; col. 8, lines 16-51; col. 14, lines 29-44; *an*

overlay palette tool used in connection with multiple files), wherein the graphical

representation comprises an icon comprising a plurality of segments (fig. 1),

Buxton does not explicitly disclose the icon being circular with the segments

comprising arc portions of said circular icon. Blades teaches a graphical user

interface tool for use in connection with a computer program which can

simultaneously display multiple files on a computer display device, comprising a

circular icon with segments comprising arc portions of said circular icon (figs.

4(A-B) and 10(A-B)). Therefore, it would have been obvious to an artisan at the

time of the invention to include Blades' teaching of a circular icon with segments

comprising arc portions of said circular icon to Buxton's teaching of an icon with

segments in order to provide users with an implementation preference.

As per claim 14, although Buxton teaches a graphical user interface tool

for use in connection with a computer program which can simultaneously display

multiple files on a computer display device, each file appearing in a different area

on the display device (figs. 1 and 6; col. 8, lines 16-51; col. 14, lines 29-44; *an*

overlay palette tool used in connection with multiple files), wherein displayed is a

clear visual association between the icon and the panel it is associated with,

Buxton does not explicitly disclose the visual association being a part of or a

portion of the icon. Blades teaches a graphical user interface tool for use in

connection with a computer program which can simultaneously display multiple

files on a computer display device, comprising an icon with a visual association

being a part of or a portion of the icon to reflect its association with a panel (figs.

10(A-B)). Therefore, it would have been obvious to an artisan at the time of the

invention to include Blades' teaching of an icon with a visual association being a

part of or a portion of the icon to reflect its association with a panel to Buxton's

teaching of a clear visual association between the icon and the panel it is

associated in order to provide users with a confirmation of a selection.

As per claim 18, the modified Buxton teaches a graphical user interface

tool for use in connection with a computer program which can simultaneously

display multiple files on a computer display device, each file appearing in a

different area on the display device (Buxton: figs. 1 and 6; col. 8, lines 16-51; col.

14, lines 29-44; *an overlay palette tool used in connection with multiple files*),

wherein the graphical representation of the tool further comprises a separate

horizontal toolbar that duplicates the functionality of the icon (Buxton: col. 24,

lines 29-36; *described is a method of resizing and duplicating the icon(s) to form*

a separate horizontal toolbar with similar functionality to the icon(s) wherein a

toolbar is a row, column, or block of on-screen buttons or icons).

As per claim 19, the modified Buxton teaches a graphical user interface

tool for use in connection with a computer program which can simultaneously

display multiple files on a computer display device, each file appearing in a

different area on the display device (Buxton: figs. 1 and 6; col. 8, lines 16-51; col.

14, lines 29-44; *an overlay palette tool used in connection with multiple files*),

wherein, responsive to the tool being invoked, the horizontal toolbar always

appears at a same predetermined position in the display device (Buxton: col. 9,

lines 23-26; col. 12, lines 49-50; col. 23, lines 29-30; col. 24, lines 34-35; col. 25,

lines 1-27; *toolbar(s) are optionally repositioned*).

Claim 22 is similar in scope to claim 2 and therefore rejected under similar

rationale.

Claim 24 is similar in scope to claim 4 and therefore rejected under similar

rationale.

Claim 33 is similar in scope to claim 14 and therefore rejected under

similar rationale.

Claim 37 is similar in scope to claim 18 and therefore rejected under

similar rationale.

Claim 38 is similar in scope to claim 19 and therefore rejected under similar rationale.

9.   Claims 7 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buxton.

As per claim 7, although Buxton teaches a graphical user interface tool for use in connection with a computer program which can simultaneously display multiple files on a computer display device, each file appearing in a different area on the display device (figs. 1 and 6; col. 8, lines 16-51; col. 14, lines 29-44; *an overlay palette tool used in connection with multiple files*), and a means for allowing a user to move the graphical representation outside of the panel outside of said panel associated with said selected file, Buxton does not explicitly disclose allowing a user to move the graphical representation outside of the panel outside of said panel associated with said selected file without switching said selected file. Official Notice is taken that moving a graphical representation outside of the panel outside of said panel associated with said selected file without switching said selected file is well known in the art. Therefore, it would have been obvious to an artisan at the time of the invention to include graphical representation outside of the panel outside of said panel associated with said selected file without switching said selected file to Buxton's teaching of graphical representation outside of the panel outside of said panel associated with said selected file so that users' may switch between a working file and a reference file without having to go through the time consuming process of invoking the graphical representation upon returning to the working file.

Claim 27 is similar in scope to claim 7 and therefore rejected under similar rationale.

10.   Claims 8 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buxton in view of Wynn et al. ("Wynn").

As per claim 8, Buxton teaches a graphical user interface tool for use in connection with a computer program which can simultaneously display multiple files on a computer display device, each file appearing in a different area on the display device (figs. 1 and 6; col. 8, lines 16-51; col. 14, lines 29-44; *an overlay palette tool used in connection with multiple files*), wherein the files may be downloaded from a remote file storage system (col. 7, lines 59-67). Buxton does not explicitly disclose the files being presented in a Web browser as Web pages. Wynn teaches a graphical user interface tool for use in connection with a computer program which can display files on a computer display device, wherein the files are Web pages accessed by the Web browser, the Web browser being a computer program (figs. 10 and 11 *and respective portions of the specification*). Therefore, it would have been obvious to an artisan at the time of the invention to include Wynn's teaching of a user interface tool for use in connection with a computer program such as a Web browser which can display files as Web pages to Buxton's teaching of a user interface tool for use in connection with a computer program which can display files so that users' may have access to additional files.

Claim 28 is similar in scope to claim 8 and therefore rejected under similar rationale.

11.   Claims 16, 17, 35 and 36 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Buxton in view Mackinlay et al. ("Mackinlay").

As per claim 16, although Buxton teaches a graphical user interface tool

for use in connection with a computer program which can simultaneously display

multiple files on a computer display device, each file appearing in a different area

on the display device (figs. 1 and 6; col. 8, lines 16-51; col. 14, lines 29-44; *an*

overlay palette tool used in connection with multiple files), wherein one of the

operations is transferring the selected file from an associated panel to another

one of the panels (col. 36, lines 21; col. 22, lines 1-15; *content of the selected file*

and/or the selected file and its associated window/panel may be transferred to

another panel such as through a cut and paste operation or by closing a file and

opening it in another window/panel), Buxton does not explicitly disclose the file

being transferred to a predetermined other one of the panel. Mackinlay teaches

an operation comprising transferring the selected file from an associated panel to

another one of the panels (col. 4, lines 35-46). Therefore it would have been

obvious to an artisan at the time of the invention to include Mackinlay's teaching

of an operation comprising transferring the selected file from an associated panel

to another one of the panels to Buxton's teaching of an operation comprising

transferring the selected file from an associated panel to another one of the

panels in order to provide focus to an area of interest.

As per claim 17, the modified Buxton teaches a graphical user interface

tool for use in connection with a computer program which can simultaneously

display multiple files on a computer display device, each file appearing in a

different area on the display device (Buxton: figs. 1 and 6; col. 8, lines 16-51; col.

14, lines 29-44; *an overlay palette tool used in connection with multiple files*),

wherein the transferring operation comprises transferring the selected file to the

predetermined other panel and transferring the file displayed in the

predetermined other panel to the associated panel (Buxton: col. 36, lines 21; col.

22, lines 1-15; *repeating the loading operation allows switching of files between*

panels).

Claim 35 is similar in scope to claim 16 and therefore rejected under

similar rationale.

Claim 36 is similar in scope to claim 17 and therefore rejected under

similar rationale.

Allowable Subject Matter

12.   Claims 10-13, 15, 30-32 and 34 are objected to as being dependent upon

a rejected base claim, but would be allowable if rewritten in independent form

including all of the limitations of the base claim and any intervening claims.

13.   The following is an examiner's statement of reasons for allowance:

The present invention is directed to a GUI tool with varied command

segments for use in conjunction with multiple displayed files wherein the GUI tool

is connected to the endpoint of a cursor by a line for accurate selection of the

command of interest.

The closes prior art, Buxton, teaches a method of interfacing with a

computer program via a GUI tool with varied command segments for use in

conjunction with multiple displayed files but fails to anticipate or render the above

underlined limitations obvious.

Any comments considered necessary by applicant must be submitted no

later than the payment of the issue fee and, to avoid processing delays, should

preferably accompany the issue fee. Such submissions should be clearly labeled

"Comments on Statement of Reasons for Allowance."

Conclusion

14.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Robertson et al. (US 5,670,984) teach an image lens.

Kaply (US 6,215,490 B1) teaches a task window navigation method and

system.

Sugiyama et al. (US 6,002,403) teach a graphical navigation control for

selecting applications on visual walls.

Ullmann et al. (US 6,677,965 B1) teach a rubber band GUI control.

Atkinson (US 5,701,424) teaches a palladian menus and methods relating

thereto.

Goldenberg et al. (US 6,636,197 B1) teach a haptic feedback effects for

control, knobs and other interface devices.

Kurtenback (US 5,926,178) teaches a display and control of menus with

radial and linear portions.

Terashima (US 6,515,689) teaches a control apparatus.

Driskell (US 5,596,699) teaches a linear-viewing/radial-selection graphic for menu display.

Sommers et al. (US 5,940,076) teach a Gui for an electronic device and method therefor.

Vayda et al. (US 5,790,820) teach a radial graphical menuing system.

Yamaguchi et al. (US 6,795,097) teach an information processing apparatus, method and program storage medium for controlling and displaying a menu.

Perttunen (US 6,359,635 B1) teaches methods, articles and apparatus for visibly representing information and for providing an input interface.

Anderson et al. (US 5,828,360) teach an apparatus for the interactive handling of objects.

Easty et al. (US 6,448,987 B1) teach a GUI for a digital content delivery system using circular menus.

Westerink et al. (US 5,684,511) teach a consumer apparatus provided with a programming system by means of a form-filling type display.

Kilmer et al. (US 6,078,326) teach a system and method providing centricity user environment.

Buxton et al. (US 6,118,427) teach a GUI with optimal transparency thresholds for maximizing user performance and system efficiency.

Selker (US 6,549,219 B2) teaches pie menu GUI.

Goh (US 5,678,015) teach 4-dimensional GUI.

Evans et al. (US 6,297,798 B1) teach a method and apparatus for dynamically interpreting drawing commands.

Inquires

15.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306 [Official Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

LVN
Patent Examiner
December 10, 2004

KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
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